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8
9 **BEFORE THE**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**
12 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN 2007-728

13 **RODNEY DWAYNE HAASE**

14 1612 West Joseph Street
Yuba City, California 95993

A C C U S A T I O N

15 Vocational Nurse License No. VN 184697

16 Respondent.

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18 Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the
21 Executive Officer of the Bureau of Vocational Nursing and Psychiatric Technicians ("Bureau"),
22 Department of Consumer Affairs.

23 **License History**

24 2. On or about May 29, 1998, the Bureau issued Vocational Nurse License
25 Number VN 184697 ("license") to Rodney Dwayne Haase ("Respondent"). The license will
26 expire on November 30, 2009.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Director of Consumer Affairs
3 ("Director") for the Bureau of Vocational Nursing and Psychiatric Technicians, under the
4 authority of the following laws. All section references are to the Business and Professions Code
5 ("Code") unless otherwise indicated.

6 4. Code section 2875 states, in pertinent part, that the Bureau may discipline
7 the holder of a vocational nurse license for any reason provided in Article 3 (commencing with
8 Code section 2875) of the Vocational Nursing Practice Act.

9 5. Code section 477, subdivision (a), provides that a "[b]oard" includes
10 "bureau," "commission," "committee," "department," "division," "examining committee,"
11 "program," and "agency."

12 6. Code section 101.1, subdivision (b)(1), provides that "[i]n the event that
13 any board, as defined in Section 477, becomes inoperative or is repealed in accordance with the
14 act that added this section, or by subsequent acts, the Department of Consumer Affairs shall
15 succeed to and is vested with all the duties, powers, purposes, responsibilities and jurisdiction not
16 otherwise repealed or made inoperative of that board and its executive officer."

17 7. Code section 118, subdivision (b), states, in pertinent part, that the
18 expiration of a license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary
19 action during the period within which the license may be renewed, restored, reissued or
20 reinstated. Under Code section 2892.1, the Bureau may renew an expired license at any time
21 within four years after the expiration.

22 **STATUTORY PROVISIONS**

23 8. Code section 2878 states, in pertinent part:

24 The Board may suspend or revoke a license issued under this
25 chapter [the Vocational Nursing Practice Act (Bus. & Prof. Code, § 2840,
et seq.)] for any of the following:

26 (a) Unprofessional conduct, . . .

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1 (f) Conviction of a crime substantially related to the
2 qualifications, functions, and duties of a licensed vocational nurse, in
3 which event the record of the conviction shall be conclusive evidence of
4 the conviction.

5 9. Code section 2878.6 states, in pertinent part:

6 A plea or verdict of guilty or a conviction following a plea of nolo
7 contendere made to a charge substantially related to the qualifications,
8 functions and duties of a licensed vocational nurse is deemed to be a
9 conviction within the meaning of this article. . . irrespective of a
10 subsequent order under the provisions of Section 1203.4 of the Penal Code
11 allowing such person to withdraw his plea of guilty . . . , or setting aside
12 the verdict of guilty, or dismissing the accusation, information or
13 indictment.

14 10. Code section 2878.5 states, in pertinent part:

15 In addition to other acts constituting unprofessional conduct
16 within the meaning of this chapter [the Vocational Nursing
17 Practice Act] it is unprofessional conduct for a person licensed
18 under this chapter to do any of the following:

19 (b) Use any controlled substance as defined in Division
20 10 of the Health and Safety Code, or any dangerous drug as defined
21 in Article 8 (commencing with Section 4210) of Chapter 9 of
22 Division 2 of this code, or alcoholic beverages, to an extent or in a
23 manner dangerous or injurious to himself or herself, any other
24 person, or the public, or to the extent that such use impairs his or
25 her ability to conduct with safety to the public the practice
26 authorized by his or her license.

27 (c) Be convicted of a criminal offense involving possession of
28 any narcotic or dangerous drug, or the prescription, consumption, or self-
administration of any of the substances described in subdivisions (a) and
(b) of this section, in which event the record of the conviction is
conclusive evidence thereof.

COST RECOVERY

11. Code section 125.3 provides, in pertinent part, that the Bureau may request
the administrative law judge to direct a licensee found to have committed a violation or
violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
and enforcement of the case.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Criminal Convictions)**

3 12. Respondent has subjected his license to disciplinary action under Code
4 section 2878, subdivision (f), in that Respondent was convicted of crimes substantially related to
5 the qualifications, functions or duties of a vocational nurse, as follows:

6 a. On or about December 5, 2007, in the Superior Court of California,
7 County of Sutter, in the case entitled, *People of the State of California v. Rodney Dwayne Haase*
8 (Super. Ct. Sutter County, 2007, Case No. CR-TR-07-0003091), Respondent was convicted on
9 his plea of no contest of violating Vehicle Code section 23152, subdivision (b) (Driving Under
10 the Influence of Alcohol with a Blood Alcohol Content of .08% or Above with admissions of
11 Vehicle Code section 23578-Enhancement), a misdemeanor. The circumstances of the crime are
12 that on or about September 4, 2007, Respondent did willfully and unlawfully, while having an
13 .08% percent and more, by weight, of alcohol in his blood, drive a vehicle and cause an accident
14 resulting in damage to another vehicle.

15 b. On or about December 19, 2007, in the Superior Court of California,
16 County of Sutter, in the case entitled, *People of the State of California v. Rodney Dwayne Haase*
17 (Super. Ct. Sutter County, 2007, Case No. CR-TR-07-0002958), Respondent was convicted on
18 his plea of guilty of violating Vehicle Code section 23152, subdivision (b) (Driving Under the
19 Influence of Alcohol with a Blood Alcohol Content of .08% or Above with admissions of
20 Vehicle Code section 23578-Enhancement), a misdemeanor. The circumstances of the crime are
21 that on or about September 23, 2007, did willfully and unlawfully, while having an .08% percent
22 and more, by weight, of alcohol in his blood, drive a vehicle.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Convictions Involving the Consumption of Alcohol)**

25 13. Respondent has subjected his license to disciplinary action under Code
26 section 2878, subdivision (a), on the grounds of unprofessional conduct as defined in Code
27 section 2878.5, subdivision (c), in that Respondent was convicted of criminal offenses
28 involving the consumption of alcoholic beverages, as set forth in paragraph 12, above.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Used Alcoholic Beverages in a Manner Dangerous to Himself or Others)**

3 14. Respondent has subjected his license to discipline under Code section
4 2878, subdivision (a), on the grounds of unprofessional conduct, as defined in Code section
5 2878.5, subdivision (b), in that Respondent used alcoholic beverages in a manner dangerous or
6 injurious to himself or others, as set forth in paragraph 12, above.

7 **FACTORS IN AGGRAVATION**

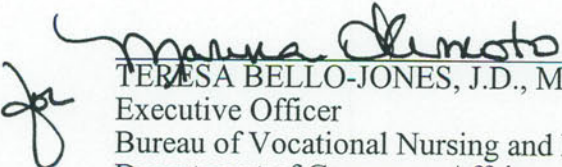
8 15. In 1989, in a prior criminal case, Respondent pled nolo contendere to
9 violating Vehicle Code section 23152, subdivision (a) (Driving under the Influence of Alcohol
10 and/or Drugs), a misdemeanor. Respondent was ordered to attend a one-year treatment program.

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein
13 alleged, and that following the hearing, the Director of Consumer Affairs issue a decision:

- 14 1. Revoking or suspending Vocational Nurse License Number VN 184697
15 issued to Rodney Dwayne Haase;
- 16 2. Ordering Rodney Dwayne Haase to pay the Bureau the reasonable costs of
17 the investigation and enforcement of this case, pursuant to Code section 125.3; and,
- 18 3. Taking such other and further action as deemed necessary and proper.
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20 DATED: October 15, 2008

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23 TERESA BELLO-JONES, J.D., M.S.N., R.N.
24 Executive Officer
25 Bureau of Vocational Nursing and Psychiatric Technicians
26 Department of Consumer Affairs
27 State of California
28 Complainant